

**MINUTES OF THE REGULAR PLANNING BOARD MEETING
MONDAY, SEPTEMBER 22, 2008
COUNCIL CHAMBERS, CITY HALL
2263 SANTA CLARA AVENUE – 7:00 PM**

President Kohlstrand called the meeting to order at 7:06 p.m.

FLAG SALUTE: Board member McNamara

ROLL CALL:
PRESENT: President Kohlstrand, Vice-President Ezzy Ashcraft, Board members Autorino, Cunningham. Cook and McNamara

ABSENT: Board member Lynch.

STAFF PRESENT: Andrew Thomas, Planning Services Manager/Secretary to the Planning Board; Assistant City Attorney Farimah Faiz; Supervising Planner Cynthia Eliason; Supervising Planner Doug Garrison; Althea J. Carter, Executive Assistant/Recording Secretary

MINUTES:

Minutes for the meeting of July 14, 2008. President Kohlstrand stated that she requested additional screening on the west wall of Osh Hardware. This should be reflected on page 9 of the minutes from July 14, 2008. (Continued to the meeting of October 13, 2008).

Minutes from the meeting of July 28, 2008 (pending)

Minutes from the meeting of August 11, 2008 (pending)

Minutes from the meeting of August 25, 2008 (pending)

Minutes from the meeting of September 8, 2008 (pending)

5. AGENDA CHANGES AND DISCUSSION:

NONE

6. STAFF COMMUNICATIONS:

Staff provided an update on Council actions on previous Planning Board decisions and an update on future agenda items.

Zoning Administrator Report

The Zoning Administrator meeting of September 16, 2008 was cancelled.

Update on Alameda Point Advisory Task Force and Sun Cal Development Plans

Staff provided an update on SunCal's preliminary development plans for Alameda Point. Staff has received hard copies of the plan and it will be provided to all Boards and Commissions. The Planning Board will be asked to review and comment on the plan but will not be taking any action at this time. The SunCal preliminary development concept is available online at www.ci.alameda.ca.us.

The Board requested that comments from other Boards and Commissions be provided to the Planning Board prior to the meeting of October 27, 2008.

7. ORAL COMMUNICATIONS:

- * Anyone may address the Board on a topic not on the agenda under this item by submitting a speaker's information slip, subject to the 5-minute time limit.

NONE

8. CONSENT CALENDAR:

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Board or a member of the public by submitting a speaker slip for that item.

NONE.

9. REGULAR AGENDA ITEMS:

- 9-A. PLN08-0153 – General Plan Amendment –2400 Mariner Square Drive.** The applicant is requesting a General Plan Amendment for the MU2 Mariner Square Specific Mixed Use Area to permit additional office use. The site is located at 2400 Mariner Square Drive within M-2-PD General Industrial (Manufacturing) Planned Development Zoning District. (CE). **(Continued from September 8, 2008).**

Cynthia Eliason presented the staff report. Staff recommended denial of this project.

Board member McNamara stated that in 2003 the City granted approval for replacement of a structure in this area. Since a new building has not been built she asked if time restrictions are placed on these types of approvals and whether staff was aware of what the owner plans to do with the site.

Staff responded that the approval was part of the Cardinal Point Planned Development Amendment (PDA). This 3,000 sf project vested at that time. The design review for the project has expired but there is no expiration date on reconstruction of the two-story office structure.

The Board requested an explanation on vesting.

The Assistant City Attorney explained vesting rights as they relate to the Cardinal Point PDA.

Board member Autorino asked whether the specific mention of the east side in the PDA was intentional.

Staff responded yes.

Board member McNamara moved and Board member Cunningham seconded the motion to limit speaker time to three minutes. The motion was unanimously approved.

The public hearing was opened.

Steve Farrand, attorney for the applicant, spoke in support of the proposal. He urged the Board to approve Resolution #2 or Resolution #3.

Yolande Jurzykowski, applicant, explained that when she purchased the building the previous owner removed all the restaurant equipment and the building has not been used as a restaurant since she purchased it. She urged to Board to grant her request to turn an unused building into office space.

Ernest Pierucci spoke in support of the project and the desire of his client to relocate her business from San Leandro to this location in Alameda.

Cheryl Canaday is an Alameda resident with a business in San Leandro. She spoke in favor of the project and expressed her desire to live and work in Alameda. Leasing space at this site would allow her and her employees to work in Alameda.

Jana Fong spoke in support of the project. She is employed in San Leandro by Cheryl Canaday but she lives in Alameda.

Stephanie Lulofs spoke in support of the project. She is employed in San Leandro by Cheryl Canaday but she lives in Alameda.

The public hearing was closed for Board discussion.

Board member Cook stated she understood the constraints the applicant was facing but she expressed her concern about the glut of office space currently available elsewhere in Alameda. She stated that it is the responsibility of the Board to consider land use

citywide. She mentioned the current full inventory of office space available in Alameda. She expressed her concern about the current lack of public waterfront access in Alameda in general and favored continued water oriented uses such as restaurants in this location.

Board member McNamara stated that her initial concern was amending the General Plan to accommodate this particular use. She is interested in understanding the third option presented by Staff in the form of Resolution #3. She asked staff for clarification on the resolution.

Staff explained differences between the three draft resolutions. Attachment 1, prepared by staff, is for denial of the request. The applicant prepared attachment 2. The third resolution, prepared by staff, grants the applicants request with modifications.

A Board discussion ensued regarding previous Board decisions in 1991 and 1999 affecting this area.

Board member McNamara expressed her concern regarding the wording of resolution #3 as it relates to policy 2.6.b and 2.6.g of the General Plan. As written an additional 100,000 square feet of non-water related institutional uses may be permitted, in addition to Cardinal Point.

President Kohlstrand stated that it would be helpful to the Board, when deciding on these types of proposals, for staff to provide information on the number of square feet currently allocated for this type of use, and the impact approval of the proposal would have on future development in the area.

Board member McNamara stated she does not support a case-by-case adjustment in the General Plan but would support a revised version of resolution #3.

Vice President Ezzy Ashcraft stated that she does support businesses wanting to relocate to Alameda. Currently, there is an abundance of office space available in Alameda. With the limited amount of waterfront property and public access to the waterfront in Alameda, she is not inclined to support this request.

Board member Cunningham supports resolution #3. He views this proposal as an adaptive reuse of an existing building. If the applicant was requesting conversion of a building from office space to a restaurant, he suspects the Board's opinion would be different. The Board has often commented on the need for public access to the water but he does not see how using this building for office space would prevent that. He believes flexibility in planning should consider the economic times uses. He would support resolution #3 with revised language.

Board member Autorino stated the site has been vacant for two years, which does hurt the community. He does not believe waiting for this building to become a restaurant is prudent. He supports the application as it brings economic benefit back to Alameda and

is an adaptive reuse of an existing building. He would support resolution #3 with changes.

President Kohlstrand supports flexibility with this property. She does not support decisions on a case-by-case basis but supports decisions based on what is best for the community. She believes it is not good for the community for the site to remain vacant. She would support resolution #3 taking into consideration Board member McNamara's comments. She supports flexibility in this area of the zoning district. She would like to clarify for the record what the base number is that the Board was starting with in regards to office space in the area and what the Board is trying to achieve.

In response to a Board inquiry staff discussed possible edits to the proposed resolutions.

A Board discussion ensued on the range of possible business uses in this area.

In response to an inquiry by the Board, Stephen Farrand, attorney for the applicant responded that BCDC requires that the applicant provide public access in this area and the existing open space and access will remain in effect whether the building is used for an office or a restaurant.

President Kohlstrand proposed amending Exhibit A to revise only the Office section and asked for Board comments on her suggestion. A Board discussion on this topic ensued.

Board member Autorino proposed that the Board assume the intent in 1991 was to set a total square footage for office space at 20,000 square feet as opposed to setting a limit for office space of 5,000 square feet.

Board member Autorino proposed a motion, based on the intent of the previous amendments to the General Plan that converting the building to office space was an acceptable use. Board member Cunningham seconded the motion.

President Kohlstrand suggested the Board consider a motion that removes "east of Mariner Square Drive" from the MU2 Mariner Square district of the General Plan.

Board member Autorino amended his previous motion to include Presidents Kohlstrand's suggestion. Board member Cunningham seconded the motion.

Vice President Ezzy Ashcraft asked whether the Board planned to include language about future restaurant uses in the area.

Staff responded that the General Plan does not limit restaurant uses in this area.

Board member Cook stated that she is not opposed to looking at other uses for this area on a broader basis but not site by site. She would like clarification on the intent of the changes made to the General Plan in 1991 and 1999.

President Kohlstrand asked for a vote on the motion that is currently before the Board.

The motion failed with the following voice vote – Ayes: 3; Noes: 3; Absent: 1; Abstain: 0.

Staff explained that a split decision by the Board is considered a failure to approve and treated the same as a denial. The applicant may appeal this decision to the City Council.

9-B. Planned Development Amendment, Major Design Review – PDA05-0004, DR05-0073 – 523 South Shore Center – Harsch Investment Corp. The applicant requests approval of Planned Development Amendment and Major Design Review entitlements and certification of an Environmental Impact Report (EIR) for redevelopment and expansion of Alameda Towne Centre. The project includes redevelopment of the site, resulting in full build-out of up to approximately 706,650 square feet of gross leasable floor area, construction of a new parking structure, pedestrian, bicycle and transit improvements, new signage and other minor site improvements. (DG). **(Continued from August 11, 2008).**

Doug Garrison presented the staff report including new and modified conditions of approval.

Randy Kyte, representing the applicant, addressed the proposed increase in square footage. He stated that at this point, it is not economically feasible to build the garage but requesting the option to build it provides the applicant with flexibility for future planning. He discussed the process the applicant and nearby residents were involved in and that resulted in the proposed draft resolution.

In response to a Board inquiry Randy Kyte addressed the phases of the proposed sidewalk improvements.

Board member Cook asked if the Board approved 113,000 sf in 2003.

Staff responded no.

President Kohlstrand requested the current total square footage at the centre.

Staff responded that it is approximately 600,000 sf and includes what is already built plus what is currently under construction.

The public hearing was opened.

Claire Risley spoke in opposition to the project.

Board member Cunningham moved and Board member McNamara seconded the motion to limit the speaker's time to three minutes. The motion passed unanimously.

Holly Sellers spoke in opposition to the project.

Dorothy Reid, representing the Willows, addressed Harsch's willingness to work out a compromise with nearby neighbors. She is comfortable with the current proposal.

Christine Healey, representing Laguna Vista Homeowners Association, spoke in support of the modified proposal/resolution.

Dolores Radding asked what the occupied square footage of the Centre is.

The applicant responded that approximately 562,000 sf is occupied.

Dolores Radding spoke in opposition of the project.

Blake Brydon, President, Alameda Chamber of Commerce, spoke in favor of the proposal.

Fred Reid spoke in opposition to the project and has concerns about the proposal's impacts on traffic.

The public hearing was closed for Board discussion.

In response to the Board's request Randy Kyte explained that of 608,307 sf 92.2% is leased, 86% occupied (this includes the leased but unoccupied OSH building). Therefore, 569,000 sf is leased, and approximately 522,000 sf occupied.

Board member Cunningham asked for an explanation from staff regarding the proposed request for an expansion to 706,000 sf.

Staff responded that the additional approximately 25,000 sf will provide flexibility to the applicant.

Board member Cunningham asked if this approach provides the opportunity for future traffic/transportation evaluation.

Staff responded that the EIR has already been certified and certification included the traffic evaluation for 706,000 sf.

President Kohlstrand asked the Assistant City Attorney for an opinion of whether a future traffic study could be required.

The Assistant City Attorney expressed concerns about conducting additional studies for the same purpose once the EIR has been certified.

Board member Cook explained that the Board has design review approval but not use approval.

President Kohlstrand stated the three major issues the Board is considering: how much square footage is appropriate for the site, what are the proposed site improvements (including the garage and the timing of sidewalk installation) and the design and orientation of the buildings. She suggested the Board conduct a focused discussion concentrating on these areas.

Board member Cunningham expressed concern about approving 706,000 sf at this time. He suggested the applicant return to the Planning Board when a specific proposal for the additional 25,000 sf is ready. He is concerned about how the level of service is defined in the traffic analysis and whether a garage is necessary at this time.

Board member Cook agrees with many of Board member Cunningham's comments. She is also concerned about the environmental and livability impacts of the increase in square footage. She is uncomfortable approving additional square footage when the uses have not yet been determined.

Board member McNamara agrees with Board member Cook. She is concerned that the amount of square footage seems to change. She does not feel confident that the numbers are accurate. She does not support expansion beyond 681,000 sf.

Vice President Ezzy Ashcraft is in agreement with Board member McNamara. The request for additional square feet seems speculative. Since the center is not yet fully occupied she does not see the need for additional square footage. She is concerned about additional low-end retailers moving into the center and would like to see the center fully occupied before expanding.

Board member Autorino stated that it was his impression that 650,000 sf had already already been approved and the proposal before the board was an increase to 706,000 sf.

Staff explained that approximately 600,000 has been approved and the total square footage goes up to 681,000 in Phase III of the project. The second story in the old Mervyn's building plus two new restaurants in the shoreline area account for the 81,000 sf.

President Kohlstrand asked staff to clarify the amount of additional square footage of the second floor on the Mervyn's building.

Staff responded that 73,412 sf would be for Kohl's and the balance would be for restaurants.

Board member Cook asked if the square footage were approved what prevents the applicant from placing a different use in the locations.

Staff responded that it is possible, depending on market conditions, that the restaurants or the second floor on the old Mervyn's building will not be built.

A board discussion ensued on existing, previously approved and proposed square footage.

The Board asked for information on how many square feet were approved in the 2003 resolution of approval, the mitigation measures that have been completed for 650,000 sf, and the implications should the Board approve less than 650,000 sf.

Board member Cook asked staff to provide information on the 2003 approval and the mitigation measures already completed by the applicant.

President Kohlstrand recognized Randy Kyte.

Randy Kyte stated his understanding of the 2003 PDA is that as long as the applicant met mitigation measures for 657,000 sf and a plan for developing a gas station and the beach area was presented, 657,000 sf can be developed without any additional mitigation being done. The proposal before the Board tonight includes mitigation measures based on additional square footage above the 657,000.

A Board discussion ensued on what amount of square footage was approved in the 2003 PDA and the amount of square footage currently being requested.

President Kohlstrand inquired whether there are use restrictions in development of the shoreline area.

Staff responded that the area is zoned C-Z/PD and uses specified for this zoning area are allowed.

President Kohlstrand requested that staff review the 2003 PDA and inform the Board if any obligations toward the applicant are contained in the 2003 resolution. Board member Cook requested staff also include what operating constraints and obligations were placed on the applicant at that time.

Board member Cook requested the Assistant City Attorney review the 2003 PDA and resolution to determine the exact amount of square footage approved by the Planning Board.

Board member Cunningham moved and Vice President Ezzy Ashcraft seconded the motion to continue this item to the meeting of 10/13/08. The motion passed with the following voice vote – 6, Noes: 0, Absent 1, Abstain: 0

10. WRITTEN COMMUNICATIONS:

None.

11. BOARD COMMUNICATIONS:

Board members may ask a question for clarification, make a brief announcement or make a brief report on his or her activities. In addition, the Board may provide a referral to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning a City matter or, through the chair, direct staff to place a request to agendize a matter of business on a future agenda.

The Board requested staff provide an update on the status of Alameda Landing. Staff responded that negotiations with Clif Bar and Target are continuing.

12. ADJOURNMENT:

10:53 p.m.

Respectfully submitted,

Andrew Thomas, Secretary
City Planning Board

This meeting was audio and video taped.